

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

KENTRELL D. WELCH,  
 Plaintiff,  
 v.  
 LIGGETT, et al.,  
 Defendants.

Case No.: 2:19-cv-01243-APG-NJK

**ORDER**

[Docket No. 41]

Pending before the Court is Plaintiff Kentrell D. Welch's motion for appointment of counsel. Docket No. 41. Plaintiff submits that exceptional circumstances exist in this case warranting appointment of counsel. *Id.* at 9, 11. Specifically, Plaintiff submits that, in 2015, he was adjudicated incompetent based on a neuropsychological evaluation. *Id.* at 7, 19–30.

The Court “must appoint a guardian ad litem – or issue another appropriate order – to protect a[n] ... incompetent person who is unrepresented in an action.” Fed.R.Civ.P. 17(c)(2). Further, the Court “is under a ‘legal obligation’ to consider whether an incompetent person is adequately protected.” *Jurgens v. Dubendorf*, 2015 WL 6163464, at \*3 (E.D. Cal. Oct. 19, 2015) (citing *United States v. 30.64 Acres of Land*, 795 F.2d 796, 805 (9th Cir. 1986)).

Accordingly, the Court hereby **SETS** a hearing for **10:00 a.m. on January 14, 2021**, to determine whether Plaintiff is adequately protected in the instant action. Defendants may respond to Plaintiff's motion – any response must be filed no later than December 21, 2020. As Plaintiff is currently housed in Ely State Prison, the Attorney General's Office is **INSTRUCTED** to coordinate with the undersigned's courtroom deputy, Ari Caytuero, at 702-464-5566, to facilitate Plaintiff's video conference appearance at the hearing.

IT IS SO ORDERED.

DATED: December 2, 2020.

  
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 NANCY J. KOPPE  
 UNITED STATES MAGISTRATE JUDGE